

Case 1:08-cr-00441 Document 2 Filed 04/24/2008 Page 1 of 3
PETITION UNDER 28 U.S.C. § 2254(2) FOR WRIT OF HABEAS CORPUS
CERTIORARI To a United States Court of Appeals Before Judgment.
SUPREME COURT RULES RECEIVED

United States District Court - Northern District of Illinois

APR 24 2008
APR 24 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Curtis Smith

Case Number: 06 CR 0441

Place of Confinement

Prisoner Number: 228499

Jerome Combs Detention Center

Petitioner (Respondent (Authorized Person having custody of Petitioner))
Curtis Smith vs. United States of America Government, Department of Justice,
United States Marshal Service.

The Attorney General of the State of Illinois - Michael R. Levine

PETITION

1. (A) Name and location that entered the judgment of conviction you are challenging: United States District Court - Northeastern District of Illinois - Eastern Division - Chicago - 219 Dearborn Street - 60604

(B) Criminal Case number - 06 CR 0441

08CV2441

2. (C) Date of the judgment of conviction: APRIL 11, 2008 A.D.

(B) Date of sentence: JULY 24, 2008 A.D.

JUDGE SHADUR

MAG. JUDGE KEYS

3. Length of sentence: I Do not know yet.

4. In this case, were you convicted on more than one count, or of more than one crime? YES

5. Cases: One count of unlawful possession of a weapon by a felon, and
One count of possession of controlled substance.

6. (A) What was your plea? NOT GUILTY

(B) If you went to trial, what kind of trial did you have? Jury.

7. Did you testify at trial hearing? YES - 8. Did you appeal from the judgment of conviction? YES

9. Ground Raised:

(A) The City of Chicago Sixth District Police Officer Michael O'Donnell and Officer Corey Walker are in violation of the Defendant Curtis Smith's Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments rights to the Federal Constitution.

(B) Officer O'Donnell and Officer Walker, did not have reasonable suspicion of criminal activity was underway.

(C) There was not reasonably related adequate justification for the stop of vehicle.

(D) The means of investigation employed was not reasonably related for suspicion.

(E) Therefore, Chicago Police Officer Walker, and Officer O'Donnell, improper lack of diligence created into an unconstitutional search and seizure of the Defendant Curtis Smith person.

(F) Officer O'Donnell, lied, committed perjury before the Special Grand Jury number 2199 - ARR: DATE: 03-15-05, case number #05 CR 5199.

(G) The transcript of testimony taken in the above entitled matter on the 22nd day of February, A.D. 2005.

SUPREME COURT RULES 11.

- (G) Officer O'Donnell Testified on The Witness Stand Before The Honorable Judge William Hibbler on The 7th and 8th Day of April, 2008 A.D. in which OFFICER O'Donnell Lied and Committed PERJURY again Before The Court. Because MR O'Donnell Testimony had Changed again.
- (H) NONE OF OFFICER O'Donnell Statements in his City of Chicago Police Arrest Report number HL-153314, NOR his Testimony Before The Special Grand Jury number #2199, MIRRORS EACH OTHER. MOREOVER, There Foreafter, The Facts The Law ENFORCEMENT OFFICERS Knowingly and Willfully Lied, Committed PerJury under Oath To gain, To Receive a True BILL of Indictment against Defendant Curtis Smith.
- (I) The City of Chicago Police weapon inventory specialist Police Officer Lieutenant - (I Do not Remember) Testified On The Witness Stand That he Destroyed The very important - Rusted out Trigger Derringer, Beaten up PISTOL - Deem EXCULPATORY Evidencal Fact The Rusted out PISTOL was useless.
- (J) The City of Chicago Police Auto Pound Destroyed The very important - (Chevy - Cargo work VAN passenger Side door window handle was Broken Completely OFF, Thus, The Fact are The window was Locked in The up position and could not be let down) - Deem EXCULPATORY Evidencal Fact. Was Deliberately Destroyed also. The Jurors should have been able To Enjoy Investigating This PHYSICAL Evidencal Fact of The Real VAN, and Real Rusted out PISTOL.
- (K) The PROSECUTION Did NOT Produce The 33 years old Authentic, Original Rusted out Trigger Beat up Derringer PISTOL. Because it was deliberately Destroyed by The City of Chicago Police Department also. The Prosecution produce a brand New Shiny, Radiant, Bright Bigger ^{more} Dangerous Looking weapon. with The New weapon prosecutor stated "This is The weapon defendant Smith had on his Lap in The Front seat OF The VAN." That was a false statement ^{made} by The Prosecutor. Therefore, The Prosecutor Prejudiced The Jurors against Defendant with That out right Lie.
- (L) The Defendant Curtis Smith was prejudiced against when The Court allowed prosecutor and Defendant Attorney Michael Finn. To change The interpretation of possession To include a area of approximately 10' to 12' feet away in The rear partition OFF From The Front seat section OF The Chevy Cargo Van and also To include what was Found in Steve Sanford Tool work Bag.
- (M) Defendant Curtis Smith took The witness stand To Tell The complete Truth OF The matter with accurate and credible information. While Defendant was still informing The Jury about how OFFICERS STOP his Vehicle, Defendant asked OFFICER O'Donnell For what are The Probable Cause have you hand cuffed and arrested me OFFICER?
- (N) OFFICER O'Donnell stated "When I seen Vivian Jones - a Known PROSTITUTE get out of The VAN and you wiping steam off The window and she - (Felicia Jackson) - sitting on his - (Steve Sanford) - Lap. When I ran your License plate number Curtis you are a sex OFFENDER! Now you know I had To come check you out.

The complete JURY was saying OOL - O - OH - OOL!

- (O) Judge Hibbler Recalled The Jury out about 40 minutes Later into The open Court Because one OF The Leading Jurors wanted To give Defendant Curtis Smith a Life sentence For The 1994 sex OFFENSE Case. The complete Jury had Their minds made up upon CONVICTING Defendant, The Jury were deliberating upon how much Time To give The Defendant For The 1994 sex OFFENDER Case. The Jurors was NOT thinking about, NOR deliberating The January 30, 2005 A.D. Case.
- Therefore After The Facts, The Prosecution mislead, Confused, Thus, Substantially overweighted Jury WITH unfair Prejudice Against Defendant Curtis Smith. Now in which The Jurors Look at The Defendant ^{with} out right Hatredfulness Destestableness in Their EYES TOWARD Defendant Curtis Smith AT THAT POINT IN TIME.

SUPREME COURT RULE 11

- (P) Wherefore, premises considered, Defendant Curtis Smith, ATTORNEY MICHAEL FINN is guilty of ineffective assistant of counsel for failure to timely ^{then} objection; allowed Prosecution to change the year of sex offense from 1994 to 1995; and Attorney Failure to produce unto the jurors photocopies of Officer O'Donnell statement in his City of Chicago Police Arrest Report number HL-153314; and photocopies of Officer O'Donnell testimony before the special Grand Jury number #2199.
- Thus, in the light, that evidential facts would have clearly showed Officer O'Donnell was lying and boldly, courageously, committing perjury; - BEFORE THE COURT, upon specific defense direct examination at the hearing.

- (Q) The Court abused its discretion by allowing the prosecution to violate the Supreme Court RULE'S 403, 404. Thus, the prosecutor is guilty of prosecutorial misconduct.

Therefore, Petitioner asks that the Court grant the following relief: Please grant my MOTION OF A DIRECT VERDICT OF ACQUITTAL, MOTION TO DISMISS CHARGE, MOTION for a Judgment of ACQUITTAL and MOTION UNDER 28 U.S.C. § 2255 TO VACATE CONVICTION, Thank You!, OR ANY OTHER relief to which petitioner may be entitled.

Curtis Smith PROSE, REFER
Signature of ATTORNEY (IF ANY)

I declare state under penalty of perjury that the foregoing is true and correct, and true and that this petition under 28 U.S.C. § 2101 (e) FOR WRIT OF CERTIORARI to a United States Court of Appeals BEFORE Judgment; was placed in the Prison mailing SYSTEM ON: APRIL 18, 2008, A.D.

Curtis Smith PROSE, REFER
Signature of PETITIONER